

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

***CRM-M-14087-2023***  
**Date of Decision: 30.05.2023**

LOVEPREET SINGH ALIAS JIMMY

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

Present : Mr. Armaan Gagneja, Advocate  
for the petitioner.

Mr. Harjinder S. Sidhu, A.A.G., Punjab.

**HARSH BUNGER, J.**

Prayer in the present petition, filed under Section 439 of the Code of Criminal Procedure, is for grant of regular bail to the petitioner in case FIR No.166 dated 09.07.2022 (Annexure P-1), registered under Sections 15, 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') (Section 27 of the NDPS Act, added later on), at Police Station City Muktsar, District Sri Muktsar Sahib.

2. Pursuant to the advance copy of petition having been served upon learned State counsel, Mr. Harjinder S. Sidhu, Assistant Advocate General, Punjab, had appeared and filed status report by way of an affidavit of Mr. Avtar Singh, PPS, Deputy Superintendent of Police, Sub-Division Sri Muktsar Sahib, District Sri Muktsar Sahib, on behalf of respondent-State of Punjab, which is already on record.

3. Succinctly, the above-said case FIR was registered on the basis of a complaint submitted by one Balwinder Singh, ASI, Police Station City, Sri Muktsar Sahib, wherein it was stated that on 09.07.2022, he along with fellow employees, was going towards Goniana Road, Abohar Road etc. in a private car for patrolling and checking of suspicious persons. It is stated that when the police party reached near Cremation ground, Goniana Road, Sri Muktsar Sahib, a secret informer gave information that Bullet son of Bhola Singh, Baba Ikatar Singh, Nikka son of Gora, Kasu son of Bhinda, Deepu son of Kakku Kabadia, Kamaljeet Kaur wife of Jas Karan Singh, Rajinder Kumar son of Jagan Nath, Jimmy (petitioner) and Geja, are indulged in the sale of narcotics/drugs and in case, a raid is conducted now, then they can be apprehended and heavy quantity of *heroin*/intoxicant tablets, *poppy husk* can be recovered from them.
4. Finding the said information reliable, a *ruqa* was prepared and sent to the Police Station and FIR was registered against accused persons.
5. As per the status report, after following procedure, personal search of accused was carried out and the following recovery/ies was/were effected from them ;

| <i>Name of the accused</i>           | <i>Recovery</i>                           | <i>Arrested on</i> |
|--------------------------------------|-------------------------------------------|--------------------|
| <i>Kattar Singh</i>                  | <i>300 Tramadol<br/>480 loose tablets</i> | <i>09.07.2022</i>  |
| <i>Akashdeep Singh @<br/>Deepu</i>   | <i>195 Alpracan</i>                       | <i>15.07.2022</i>  |
| <i>Pardeep Kumar alias<br/>Deepu</i> | <i>810 Alpracan</i>                       | <i>09.07.2022</i>  |
| <i>Geja</i>                          | <i>80 Tramadol</i>                        | <i>19.07.2022</i>  |

6. Further, on the disclosure statement of Kattar Singh, the following persons were nominated as accused in the FIR and the following

intoxicated substances were recovered from them :-

| <i>Name of the accused</i>                  | <i>Recovery</i>                                                | <i>Arrested on</i> |
|---------------------------------------------|----------------------------------------------------------------|--------------------|
| <i>Jasvir Kaur</i>                          | <i>180 Alpracan<br/>Aplrazolam<br/>Tablets I.P 0.5<br/>mg.</i> | <i>09.07.2022</i>  |
| <i>Mandeep Kaur alias<br/>Sukhjeet Kaur</i> | <i>55 grams of<br/>intoxicated<br/>powder</i>                  | <i>09.07.2022</i>  |
| <i>Manjit Kaur</i>                          | <i>3 Kg. of Poppy<br/>Husk</i>                                 | <i>09.07.2022</i>  |

On disclosure statement of Pardeep Kumar @ Deepu, Satish Kumar @ Romi was nominated as an accused on 11.07.2022 and he was arrested on 12.07.2022 and *105 Alpracan tablets* were recovered from him.

As per status report, the total quantity of the recovered contrabands under NDPS Act from all the above-said accused persons fall under the commercial quantity.

7. Accused Ravi Singh @ Bullet is stated to have been produced before the Investigating Officer on 29.10.2022, who was under influence of some intoxicating substance; accordingly, his DOPE test was conducted, which was positive. Consequently, the offence under Section 27 of the NDPS Act was added in FIR and he was arrested on same day.

8. As per status report, during investigation Lovepreet Singh @ Jimmy was arrested on 01.02.2023 and his DOPE test was also found positive; accordingly, he was arrested for offence under Section 27 of the NDPS Act.

9. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has not committed any offence as has been alleged in the FIR. He further submitted

that the petitioner was not arrested on the spot and no recovery, whatsoever, was effected from him. It is submitted that the pre-arrest bail petition of the petitioner bearing **CRM-M-39319-2022** has been dismissed by this Court vide order dated 05.09.2022 (Annexure P-2) and further the regular bail application moved by him, has been dismissed by learned Additional Sessions Judge, Muktsar Sahib, vide order dated 21.02.2023 (Annexure P-3). Learned counsel for the petitioner further submitted that co-accused of the petitioner namely, Sukhjeet Kaur @ Mandeep Kaur, Jasvir Kaur, Manjeet Kaur, from whom the recovery was effected in the present case, have already been granted the concession of regular bail by a Co-ordinate Bench of this Court, vide orders dated 13.09.2022, 17.10.2022 and 08.09.2022 [Annexure P-4 (*Colly.*)] passed in **CRM-M-40996-2022**, **CRM-M-42299-2022** and **CRM-M-39961-2022**, respectively. He further submitted that the petitioner is similarly circumstanced as Ravi Singh @ Bullet, who has also been granted regular bail by this Court vide order dated 19.01.2023 passed in **CRM-M-1899-2023**. It is submitted that the challan stands presented on 13.12.2022 and the charges were framed on 16.01.2023. It is submitted that the petitioner has been in custody since 01.02.2023; the trial is likely to take some time to conclude and no useful purpose would be served by keeping him behind the bars. Learned counsel further submits that the petitioner is not involved in any other case under the NDPS Act and he is ready and willing to abide by all the conditions as may be imposed by this Court or by the trial Court; accordingly, prayer for grant of regular bail is made.

10. Learned State counsel, while opposing the bail plea of the petitioner submits that although, no recovery has been effected from the

present petitioner but he is one of the accomplices against whom secret information was received regarding their indulgence in the sale of narcotics/drugs and during questioning, the petitioner is stated to have admitted the trafficking of drugs with other co-accused. However, learned State counsel does not refute the factum of grant of regular bail to the co-accused of petitioner namely, Sukhjeet Kaur @ Mandeep Kaur, Jasvir Kaur, Manjeet Kaur and Ravi Singh @ Bullet, by a Co-ordinate Bench of this Court.

11. I have heard learned counsel for the parties and have perused the paper-book as well as status report filed by learned State counsel.

12. The petitioner is in custody since 01.02.2023 and is not involved in any other case under the NDPS Act. Concededly, no recovery was effected from the petitioner. As per status report, the petitioner was arrested for offence under Section 27 of the NDPS Act. Co-accused namely, Sukhjeet Singh @ Mandeep Kaur, Jasvir Kaur and Manjeet Kaur, from whom the alleged recovery was effected in the instant case, have already been extended the concession of regular bail. The petitioner is on similar footing of one Ravi Singh @ Bullet, who has also been granted regular bail by this Court vide order dated 19.01.2023 passed in **CRM-M-1899-2023**.

13. In the instant case, challan already stands submitted and charges were also framed. The trial is likely to take some time to conclude.

14. Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and

he shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case and any change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity. The petitioner shall also appear before the concerned Police Station/Station House Officer on first Monday of every month till the conclusion of trial.

15. Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

16. The petition is accordingly disposed of.

**May 30<sup>th</sup>, 2023**  
*gurpreet*

**(HARSH BUNGER)**  
**JUDGE**

|                            |        |
|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |